

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Eduardo De La Garza,

Plaintiff,

VS.

John E. Potter, Postmaster General, U.S.  
Postal Service,

Defendant.

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CIVIL ACTION NO. H-04-1844

**MEMORANDUM AND ORDER**

On September 29, 2005, this Court granted Plaintiff's motion to abate, pending the decision of the Fifth Circuit Court of Appeals in Appeal No. 04-20693, and dismissed without prejudice Plaintiff's pending motion for summary judgment. The Fifth Circuit has since resolved Appeal No. 04-20693, summarily affirming the decision of Judge Harmon in Civil Action No. H-02-4974. Plaintiff now moves for reconsideration of his motion for summary judgment. The Court hereby **GRANTS** Plaintiff's motion for reconsideration, Docket No. 32, and reinstates Plaintiff's motion for summary judgment, Docket No. 21.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 17th day of October, 2005.



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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER  
SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND  
AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT  
ONE BY THE COURT.

